

REMARKS/ARGUMENTS

Claims 8, 9, and 27-28m and 33-40 are active.

The claims have been amended for clarity as supported by the specification as originally filed. No new matter is believed to have been added.

Claims 8 and 9 have also been amended to incorporate the limitations of Claims 26 and 29 (now cancelled).

That the aqueous gel cores in claims 8 and 9 are dry coated with the hydrophobic particles is apparent from the specification at page 9, 1<sup>st</sup> paragraph and page 16, lines 9-11 (no water added to the mixing).

The objection to Claims 39-40 has been addressed by correcting the typographical error.

The rejection under 35 USC 112, second paragraph has been addressed by clarifying the composition as “composition that comprises aqueous gel cores coated with hydrophobic particles.” The word “one” has been inserted to modify the “cosmetically acceptable ingredient.”

Metallic soaps, mica titanium and silk powder are well-known terms in the art as shown in the attached pages. The term oil agents has been clarified to oils, which are well-known.

Claims 8 and 9 have been amended to include hydrophilic particles thereby providing antecedent support for those terms in Claims 39-40.

Accordingly, the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity See MPEP § 2173.02.

Withdrawal of this rejection is requested.

The rejection of Claims 8 and 23 under 35 USC 103(a) in view of Tanaka is traversed because Tanaka's composition does not contain water without a shell forming resin and the manner in which the aqueous gel cores are made, freeze-shattering, results in a different composition when compared to how Tanaka makes its microcapsules.

Tanaka describes microcapsule materials in which the coating is cross-linked or graft polymerized to the surface of the core (see page 8 of JP '118). In contrast, in the claimed invention, the gel cores are coated with the hydrophobic material. Coating compared to cross-linking or graft polymerization imparts a number of advantages neither described nor suggested by the cited prior art, e.g. when the coated gel particles of the present invention are ruptured on the surface of the skin, unlike the particles of the cited prior art, they would not leave an unacceptable residue of broken capsules, for example, on the surface of the skin.

Tanaka on page 9 provides between the core and polymer, an additional coating of inorganic fine powder is applied. Those materials listed on page 9 of Tanaka are not hydrophilic particles treated with a hydrophobicizing agent as defined in the claims.

With hydrophobic particles, the core itself should also have the ability to retain water as the hydrophobic particles do not form a continuous film permitting water leakage when the core does not have the ability to contain water. In addition, so as to coat the core with hydrophobic particles, the core should have sufficient properties to allow those hydrophobic particles to adhere. Cores with sufficient water-retention capability and ability to adhere to the hydrophobic particles are obtained when the gel cores are prepared by adding the gellant to water to yield a gel and then forming the gel into particles by freeze-shattering.

Tanaka's process involves polymerizing monomers in an emulsion with water and other components dispersed therein. As the core material must be a liquid with high fluidity to enable this polymerization process, the core material that would result will not have the

capacity to retain water nor absorb hydrophobic particles, which is likely why Tanaka requires a cross-linking step in its coating process.

Further, as the hydrophobic particles are mixed in a dry form with the aqueous gel cores in the claims and is unlike Tanaka who uses a water-in-oil emulsion to effect coating .

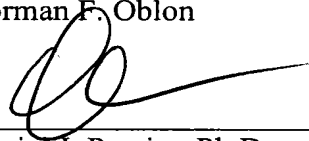
As discussed in the specification on page 3, the use of hydrophobic particles that coat the core in the manner that is claimed provides water-containing powders having excellent production stability, storage stability as well as maintaining the characteristics of releasing water when pressure is applied.

Withdrawal of the rejection is requested.

Applicants request a Notice of Allowance.

Respectfully submitted,

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